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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,803	12/14/2001	Yvon Bedard	P 284138 RP-00162-US2	1651

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EXAMINER

LUM, LEE S

ART UNIT PAPER NUMBER

3611

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/014,803

Applicant(s)

BEDARD ET AL.

Examiner

Ms. Lee S. Lum

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,6,8,17 and 22 is/are rejected.
- 7) ☒ Claim(s) 2,3,5,7,9,18-21 and 23-26 is/are objected to.
- 8) ☒ Claim(s) 1-30 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:\
  - I. **Claims 1-9 and 17-26**, directed towards a snowmobile having a detachable windshield, classified in class 180, subclass 288.4.
  - II. **Claims 10-16 and 27-30**, directed towards a detachable windshield, classified in class 296, subclass 77.1.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a snowmobile is not required to have a detachable windshield. The subcombination has separate utility such as inclusion in other vehicles such as motorcycles.

Because these inventions are distinct for the reasons given above and the search required for Invention I is not required for Invention II, restriction for examination purposes as indicated is proper.

In a phone conversation with attorney J. Darling on 2/13/03, a provisional election was made with traverse to prosecute the invention of Invention I, **Claims 1-9 and 17-26\*\***. Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-16 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

**\*\* This is the correct set of restricted Claims**; Examiner's conversation with Mr. Darling erroneously stated Claims 1-9 and 23-26 as Invention 1. Examiner apologizes for any inconvenience, and asks for confirmation of this correction.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

2. The disclosure is objected to because in Claim 5, "plurality" lacks antecedent basis. Appropriate correction is required.
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1, 4, 6, 17 and 22** are rejected under 35 U.S.C. 102(b) as being anticipated by Vetter 4087110.

Re **Claims 1, 4 and 6**, Vetter discloses a snowmobile (inclusive in col 1, lines 12-13; "mounted to a vehicle", and in lines 41-48) comprising  
Chassis, motor, endless track, at least one ski (all inherent in snowmobile),  
steering mechanism connected to the ski (inherent),  
support frame (fairing 12) mounted to the steering mechanism, and having at least two frame members 122 (fig 9) laterally spaced from each other,  
windshield 14 detachable mounted to the support frame via at least one locking structure (unidentified in figs 11 and 12).

Re **Claim 17**, the patent further discloses

The curved windshield as mounted above a hood of the snowmobile (inherent configuration for this type of vehicle), and

Detachable from the mounting structure upon application of a predetermined force (i.e., impact force exemplified in figs 11 and 12).

Re **Claim 22**, the patent further discloses a method of detachably mounting a windshield comprising

Attaching windshield support frame 12 to steering mechanism of the snowmobile, the frame including elongated frame members (unidentified in fig 1, upper portions of support frame adjacent rider's torso) laterally spaced from each other, and including at least one windshield locking member 18,

Positioning the windshield such that each locking member aligns with a receiving structure 66 associated with the windshield,

Press-fitting (i.e., sliding) the windshield onto the support frame such that the locking member engages the receiving structure (fig 3a).

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Vetter in view of Risley 5832786.

Vetter does not disclose hand-protecting members, while Risley shows these elements attached to the steering mechanism (i.e., adjacent handlebars). It would have been obvious to one with ordinary skill in the art at the time the invention was made to include these elements, as shown in Risley, to protect the rider's hands from unsafe and uncomfortable environmental conditions.

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5. **Claims 2, 3, 5, 7, 9, 18-21, and 23-26** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

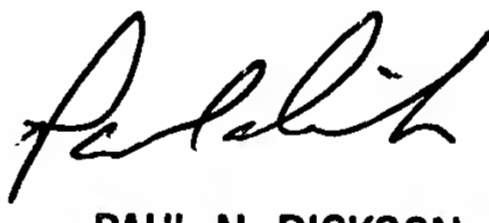
6. The prior art made of record, and not relied upon, is pertinent to the Applicant's disclosure: Lawson et al 6176538, Willey 6234554, 4489973, Nebu et al 4830423, Scott 4141567, Tesch 3997212, Sykora 3819226.

7. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9 am-6 pm, M-F. Our fax numbers are (703) 872-9326, 872-9327 for after-final communications, and 308-2571 for faxes with prior notice given to the examiner. Any inquiry of a general nature, or relating to the status of this application/proceeding should be directed to Customer Assistance at (703) 306-5771.

Ms. Lee S. Lum  
Examiner  
2/21/03



 2/24/03  
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